

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JUSTO TORRES GARCIA
Plaintiff

v.

Civil No. 04-1365(SEC)

ESTADO LIBRE ASOCIADO DE PUERTO RICO, et al.
Defendants

O R D E R

MOTION	RULING
Docket #34 Motion to Dismiss for Mootness	<p>GRANTED. Defendants have moved to dismiss Plaintiff's sole remaining claim, to wit, his due process claim seeking injunctive relief. Plaintiff had requested that the Court order Defendants to return him back to the Bayamón Minimum Security Unit, from which he was allegedly illegally transferred. Plaintiff has failed to oppose Defendants' motion.</p> <p>In their motion, Defendants inform that they offered to return Plaintiff to the Bayamón Minimum Security Unit in an attempt to settle the case. However, Plaintiff, who has been already transferred to another minimum security unit, refused said transfer. Thus, Defendants aver that Plaintiff's request that he be returned to the Bayamón Minimum Security Unit is now moot since Plaintiff has expressly rejected Defendant's offer and has signed a document indicating that he wishes not to be transferred from his current housing unit. Given Plaintiff's apparent lack of interest in his previously sought relief, we agree with Defendants in that the instant controversy is now MOOT. See <u>Mendez-Soto v. Rodríguez</u>, 306 F. Supp. 2d 120, 123 (D.P.R. 2004) ("In short, a case becomes moot when the issues presented are no longer 'live' or the parties lack a legally cognizable interest in the outcome of the controversy, thus rendering the relief academic."). Consequently, Defendants' motion is GRANTED and the instant case will be DISMISSED WITH PREJUDICE. Judgment shall be entered accordingly.</p>

DATE: September 30, 2005

S/ *Salvador E. Casellas*
SALVADOR E. CASELLAS
U.S. Senior District Judge